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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,853	12/29/1999	CHERYL LANIER	FDC-0143-PUS	1543

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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 02/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/473,853	LANIER ET AL.
	Examiner	Art Unit
	Charles Kyle	2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on December 27, 1999 .

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 11** recites the limitation "the source's additional..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

**Claims 1-5 and 7-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton et al in view of Illinois Gaming Board Regulations, hereinafter "Regulations".

**Regarding Claim 1**, Templeton et al disclose the invention substantially as claimed, including in a system for detecting check writers, a host computer (Fig. 1, element 35) for maintaining data concerning check writers (Fig. 1, eles. 85, 78; Col. 12, line 43 to Col. 13, line 67); a database residing with the host computer which stores identification information and other inputted data about individuals, the database includes a status listing of disassociated check writers (Col. 3, lines 6-13); a means for inputting data from a plurality of sources, the means for inputting data in communication with the host computer (Fig. 2; Col. 15, line 9 to Col. 16, line 41); and

a microprocessor residing at the host computer, the microprocessor comparing inputted data to the database and generating a response as a result of the comparison (Fig. 1, element 35; Col. 12, line 52 to Col. 14, line 63).

Although Templeton et al disclose detection of persons who should not be allowed to cash checks, they al do not specifically disclose that such persons are disassociated persons on an inclusion list such as within Applicants' invention. Regulations at Pages 1-7, particularly Page 3, however disclose a set of persons who are to be excluded or disassociated from gambling, where "counter checks" are frequently cashed to obtain funds for gambling. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system for check approval disclosed by Templeton et al to detect the disassociated persons disclosed by Regulations because this would have allowed regulatory boards to prevent such persons from obtaining cash to gamble at establishments where such persons were prohibited from gambling.

**Concerning Claim 2**, Templeton et al disclose a device capable of sensing magnetic ink from checks at Col. 12, lines 7-27.

**With respect to Claim 3**, Templeton et al discloses a means for assembling and updating data at Fig. 10; Col. 33, line 49 to Col. 34, line 50 and also at Col. 4, lines 36-64.

**Regarding Claim 4**, Templeton et al disclose identification information comprising a check casher's name, address, social security number, driver's license number and the check casher's dissociated check writer status (Col. 10, line 58 to Col. 10, line 17) and telephone number (Col. 2, lines 63-67).

**As to Claim 5**, Templeton et al disclose inputting data to a host computer through a modem at Col. 17, lines 20-49.

**With respect to Claim 7**, see the discussion of Claim 1 above and Page 3, "Duty to Exclude" of Regulations suggests the need to have the means for inputting data at a gaming casino because this would have allowed for the quickest identification of excluded persons. The tempo of activity at casinos was very high and gamblers would not have wished to wait for approval of checks by offsite inputting means.

**Regarding Claim 8**, Templeton et al disclose that the inputting means displays a response from the host computer at Col. 5, line 43 to Col. 6, line 3 and Fig. 5, ele. 215.

**As to Claim 10**, Templeton et al disclose that the inputting means prints a transaction summary at Col. 14, lines 47-64.

**Concerning Claim 10**, Templeton et al disclose the invention substantially as claimed, including in a method for qualifying a check presenter's right to cash a check for gambling, the steps of:

receiving a check presenter's check for cash at a point of sale device (Col. 15, lines 9-29);

scanning the check for the check presenter's data at a point of sale device (Col. 15, lines 9-29);  
sending the scanned data to a host computer containing an exclusion list database, the host computer having a database (Col. 19, lines 50-59);  
comparing the scanned data to an exclusion list database for a match Col. 14, lines 1-27);  
if there is a match, sending a denial response to the point of sale device (Col. 19, lines 63-67); and  
if there is not a match, sending an approval response to the point of sale device (Col. 19, lines 64-63).

As noted above in the discussion of Claim 1 above, Templeton et al do not specifically disclose that such persons are disassociated persons on an exclusion list database such as within Applicants' invention. Also as noted above, Regulations specifically disclose an exclusion list which would prevent excluded persons from cashing checks at casinos from which they were excluded. The motivation to combine the elements is as set forth in the discussion of Claim 1.

**With respect to Claim 11,** Templeton et al disclose additional levels of check acceptance approval at Col. 18, line 49 to Col. 20, line 41. It would have been obvious to one of ordinary skill in the art at the time of the invention to

have provided for such additional levels before final approval because this would have allowed for appropriate levels of risk assessment for each person check cashed.

**Regarding Claim 12,** see the discussion of Claims 1, 5 and 10 set forth above.

**Claims 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton et al and Illinois Gaming Board Regulations, hereinafter "Regulations" in view of Ferguson et al.

Templeton et al and Regulations disclose the invention substantially as claimed. See the discussion of Claim 1 above. They do not specifically disclose that the device for obtaining check writer information can be a personal computer. Ferguson et al disclose this feature at Col. 6, lines 45-60 and Col. 18, line 29 to Col. 20, line 9. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the personal computer disclosed by Ferguson et al in the combination of Templeton et al and Regulations because this would have provided the additional flexibility of additional I/O ports as disclosed by Ferguson et al at Col. 6, lines 54-56. Additionally, at the time of the invention personal computers were an inexpensive and flexible means to provide the services of a cash register, including check approval.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Two documents printed from the State of New Jersey Excluded Person List, showing undesirable activity in casinos by excluded persons, specifically passing bad checks.

Also, two statutes form the State of New Jersey, regarding the importance of preventing undesirable persons from negatively affecting the gaming industry of the State.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on Monday - Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



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January 28, 2002